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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Oh holy God of love, You have made us secure in Your love. Thank You that our right standing with You is based on what You have done and not on our feeble efforts. Set Your stronghold of protection firm against the foes of this land we love, as You use our lawmakers to fulfill Your purposes. Lord, in the midst of distracting problems, give our Senators a vision of what America can become. Make this a nation of justice and plenty where vice shall cease to fester. Prepare us for the role committed to our fallible hands so that our lives will glorify You. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING EVERYONE

Mr. REID. Mr. President, it is so good to see the President pro tempore and to be back in this place where we have spent a lot of years of our lives. I am glad to see everybody here ready to go so we can wrap up this double lame duck session.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 471.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows: Motion to proceed to calendar No. 471, S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 5:30 p.m. this evening. During that period of time until 5:30 p.m. Senators will be permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees.

At 5:30 p.m. the Senate will proceed to a rollcall vote and confirmation of a nomination to fill the vacancy in the Eleventh Circuit—Jill Pryor. Following the disposition of the Pryor nomination, there will be a rollcall vote on the nomination of Henry J. Aaron to be a member of the Social Security Advisory Board, followed by three voice votes in relation to Aaron, Cohen, and Chen.

Following disposition of these nominations, the Senate will proceed to a rollcall vote on cloture on the motion to proceed to the constitutional amendment.

Therefore, Senators should expect up to three rollcall votes after 5:30 p.m.

SENATOR HOLLINGS

The President pro tempore and I served for a long time with the distinguished Senator from South Carolina, Fritz Hollings, who retired. Dealing with the constitutional amendment was his issue, and I can remember seeing this dignified, handsome, very ar-

ticulate Senator talking about its importance. Before he left he spoke on this on many occasions. So it brings back memories—all very positive—about the good work that this man did before he left. By the way, he is still strong and vibrant, 90 years old or thereabouts, still playing tennis and as strong as we knew him when he was here.

MEASURES PLACED ON THE CALENDAR—H.R. 5230 AND H.R. 5272

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5230) making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

A bill (H.R. 5272) to prohibit certain actions with respect to deferred action for aliens not lawfully present in the United States, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings as to both of these bills.

The PRESIDING OFFICER (Mr. KAINE). The bills will be placed on the calendar.

MUST PASS LEGISLATION

Mr. REID. Mr. President, as the Senate returns from the State work period, we have a number of vitally important matters that require our attention. I only mention a few of them. There is a lot more than this. The matters coming out of the Judiciary Committee alone would fill this whole page and more, but we have been stopped from doing virtually everything for the last two Congresses, and so we are not getting much done. But I will mention a few of them.

We need to pass appropriations legislation to keep the government from shutting down as it has in the past because of the obstruction of the Republicans. We need to pass the extension of the Internet Tax Freedom Act; we need

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to reauthorize the Export-Import Bank; we need to pass the Travel Promotion, Enhancement, and Modernization Act, which was overwhelmingly passed by the House a short time ago; and we need to reconsider the issues of college affordability and equal pay for women.

But the bill before us today is Senator UDALL's and Senator BENNET's constitutional amendment. The good Senators from New Mexico and Colorado have joined together on a very important issue and we are going to consider that. The first vote will be tonight.

We have had in this country a flood of very dark money coming into this Nation's political system which is threatening to tear apart the fabric of American democracy. During the 2012 Presidential campaign, outside groups spent about \$1 billion. That is about as much spending as took place in the previous 10 elections combined.

Last year was a Presidential election, so the money this year is focused on the Senate and House races. They will again break all records. This spike in the amount of money being pumped into elections is not surprising, as alarming as it is. Recent decisions rendered by the U.S. Supreme Court in the Citizens United and McCutcheon cases have destroyed our campaign finance laws and have left the American people with the status quo in which radical billionaires are attempting to buy our democracy.

Meanwhile, hard-working families who don't have endless funds to dump into political campaigns are expected to sit on the sidelines and watch as two brothers try to fix every election in America to their liking. And when I say every election—they are involved in elections in the State of Virginia—not for the Senate, but they are involved in that, I am sure, too—but for secretaries of State, and State legislative races in Vermont. All over the country they are spending money as if there is no end to it, and I guess with them there is no end to it.

Hard-working families, though, don't have those endless funds to dump into political campaigns. So they just sit on the sidelines and watch. When I say that Americans are watching the Koch brothers trying to influence November elections, I mean that literally.

Last week it was reported that Charles and David Koch and their political empire have funded 44,000 political ads for television so far during this election cycle—44,000. But that doesn't count money they hide in other organizations such as the Chamber of Commerce and other organizations' ads they helped fund. But we can identify directly Charles and David Koch with 44,000 separate 30-second TV spots.

Putting that in perspective, if for 16 days there was nothing else on television except their 44,000 ads, the 30-second ads would run for 16 consecutive days, 24 hours a day. That is 16 consecutive days, around-the-clock, 30-second

and political ads, and that is just from them. Imagine—16 consecutive days of nonstop political ads, no 24-hour news coverage, no ESPN, no football games, no baseball games, no SportsCenter, no reality television, no anything—just the Koch brothers' paid ads and deceitful messaging all day, everyday for more than 2 weeks. This is the political environment that the Citizens United decision has hatched. It is a society inundated by the wrath of political misgivings and I guess some of the musings of the two billionaire brothers. They are multibillionaires.

While the Kochs and other special interests are using their vast resources to make their voices heard, Americans are being systematically disenfranchised from our democracy. To say that is wrong is a gross understatement. I don't know how else to say it. Our involvement with the government should not be dependent on somebody's checkbook. The American people reject the notion that money gives billionaires, corporations or special interests a greater voice in the government than our own voice, the voice of the voters. The American voter believes, as I do, that the Constitution doesn't give corporations a vote, and it doesn't give them—because of the dollars they have—extra votes.

The only people who don't see it that way are the Republicans here in Congress. They see money as speech. In fact, the Republican leader has said: "In our society spending is speech."

If spending is speech, where does that leave the rest of the American people? Should their role in democracy be diminished because they are paying a mortgage and sending kids to college? Should a family hard hit by a recession—let's say they are out of work—does that mean they shouldn't have any say at the ballot box? Should families hard hit by the recession take a back seat in our government to a couple of billionaires? Right now the answer is yes.

How could everyday American families afford to have their voices heard if spending money is speech? Families cannot compete with billionaires. Rich families can't, poor families can't, working families can't. The only people that would have a vote are these megabillionaires who are trying to buy our country.

They are trying to buy America at every level of government. Why? Because they want to make more money. They control vast amounts of tar sands, oil, gas, coal, chemicals, and on and on. They want to make more money. What they have now is not enough.

So we are faced with a choice: We can keep the status quo or we can change the system and restore the fundamental principle of one American, one vote.

When I was in law school one of the classes I had sent us over to the Supreme Court to listen to an argument—Baker v. Carr. The decision was on one

man, one vote; one woman, one vote. I didn't realize that when I was there listening. Frankly, I didn't really understand a lot of the talk that went on before the Supreme Court, but I came to learn later. I have been in public office now for a few years, and I can remember the first time I ran for the State legislature in Nevada. Clark County, where Las Vegas is, was really growing at the time, but they had not totally reapportioned the State. They had done a little. Clark County is only 1 of 17 counties. They had 9 incumbent assemblymen. So I ran against those 9 incumbent assemblymen. Now the assemblymen run in single districts because reapportionment has taken place because of Baker v. Carr. When I was elected in the legislature one person, one vote did not apply. They hadn't completed that work yet. So I do believe that we should be a society where one vote equals one person.

Corporations should not have a vote and dollar bills should not have a vote. But that is where we are now. We are faced with a choice: Keep the status quo or change it. Senators UDALL of New Mexico and BENNET of Colorado want to change this system. Their constitutional amendment is about restoring freedom of speech for everyone in America. Whether you are a billionaire, a millionaire, upper middle class, middle class, lower middle class, poor, homeless—that is for whom we are fighting. It grants Congress the authority to regulate and limit the raising and spending of money for Federal political campaigns.

Senators UDALL and BENNET's amendment will rein in the massive spending of super PACs, which has grown exponentially since the Supreme Court's misguided decision in Citizens United. It also provides States with the authority to institute campaign spending limits at the State level, which they should have a right to do. This is common sense. It is a solution to an issue that is plaguing our political system. Yet, instead of joining with us to expel the undue influence of special interests from our government, Senate Republicans are doing their best to keep the status quo. What they are going to do, Mr. President—we are going to have a cloture vote tonight to stop debate on this, and they say: Well, great. We will go ahead and support that because we can stall.

They want us to not be able to do anything here. Remember, their whole political mantra is this: We have a Democratic President; we have a Democratic Senate. And they have done their best for the 6 years of the Obama administration to stop everything. That is what they agreed to do—stop everything. They have two goals: not allow the President to be re-elected—they failed there miserably. During the first Congress of his Presidency, we had a lot of Democratic Senators so we were able to get a lot done during that time, but in the last two

they have been experts at stalling everything. That is what they are going to do again today.

But we are going to go ahead and vote on this tonight, and we are going to vote on it again Wednesday. There will be no amendments. It is not a difficult issue. You are either for campaign spending reform or not. So my Republican colleagues can stall for time. We are going to be very patient. We are going to see if there is a single Republican who believes an election in America today should be determined by how much money you have. That is what this vote is all about.

I am going to move this legislation forward regardless of any Republican obstruction because this issue is important. Simply put, this constitutional amendment is what we need to bring back sanity to elections and restore Americans' confidence in our democracy. We must overturn the status quo created by the Supreme Court and instead put in place a system that works for all Americans, not just the richest of the rich.

It is such a shame what this Republican-driven tea party has done in Congress to try to stop everything. Virtually everything is a filibuster. I do not know how much longer the American people are going to put up with it. These are artificial numbers anyway. Should not we be a democracy? We are not because everything in this Senate requires 60 votes. That is not the way of the Founding Fathers. And, of course, a number of the Founding Fathers were from the Presiding Officer's State. None from Nevada; we were not a State. But the Founding Fathers must be turning over in their graves. They must be looking down at this and saying: What in the world are they doing to our country?

We must overturn the status quo. This is what the entire issue boils down to: whether our democracy, as President Lincoln said, is a "government of the people, by the people and for the people." That is what Lincoln said, and we know that is what he meant—or as we have it today: a government of the rich, by the rich, and exclusively for the rich.

Is America for sale? The American people want change. They want their place in government to be protected. The constitutional amendment before the Senate protects working families. It protects Americans. It protects their voice and participation in government because our voice—not the wealth of a few—is the very essence of American democracy.

RESERVATION OF LEADER TIME

Mr. President, would the Chair announce the business of this afternoon.

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are currently in a period of morning business.

CONSTITUTIONAL AMENDMENT

Mr. LEAHY. Mr. President, I know we are going to hold our first vote relevant to S.J. Res. 19 later today, so let me speak about that for a few minutes. It is a constitutional amendment. It is something rare here, but this would restore to Congress and the States the authority to set reasonable limits on contributions and expenditures in our elections. The amendment would also allow Congress and the States to distinguish between natural persons and corporations when shaping legislation regarding the financing of elections.

Both the States and the national government have exercised this power for a long time in a responsible way until a narrow majority of Supreme Court justices ignored history, and, worse than that, they ignored the Court's own precedent. These Court opinions have now eviscerated campaign finance laws, and they have invited corruption into our political system. If we do not respond, we will continue on a path back to the days when only the wealthy few had access to our government. If we do not respond, corruption will flourish and hard-working Americans will lose any remaining faith they have in their elected officials. So I believe it is time to restore some sanity to our campaign finance laws but also to restore the true meaning and intent of the First Amendment.

I came to the Senate in January 1975, in the wake of the Watergate scandal. Americans were voicing concerns about the integrity and honesty of their elected leaders. They were concerned about the corrupting influence of anonymous money flowing into elections. The public's confidence in our democratic institutions was at a low point, so Congress passed the 1976 amendments to the Federal Election Campaign Act. As a freshman Senator—in fact, the junior most Member of the Senate—I was proud to vote for this law.

Decades later Democrats and Republicans again came together in 2002 to pass the McCain-Feingold Bipartisan Campaign Reform Act. It targeted the use of soft money donations and the unlimited spending that could be done anonymously, used to finance attack ads before an election. Just as we did in the wake of Watergate, our bipartisan effort recognized the need to pass important campaign finance reforms to

protect our democracy from corruption and to preserve access to our popular democracy.

But it appears today that many of our elected officials and a narrow majority of the U.S. Supreme Court no longer even acknowledge the corrosive influence of unfettered, anonymous money flowing in to fund our elections. Anonymous money—somebody can try to buy an election, and they do not even have to put their fingerprints on it. They just spend the money. They can say it is the Committee to Bring Honesty and Openness to Government even though it might be funded by a group who wants just the opposite.

Over the last decade a slim majority of the Supreme Court has issued one dreadful campaign finance decision after another. In fact, in 2010, in a 5-to-4 ruling—five Republicans on the Supreme Court—in *Citizens United*, the Court reversed a century of precedent by declaring that corporations have a First Amendment right to spend endlessly to finance and influence elections. In effect, they said corporations were people. I have said this many times before, and sometimes people chuckle, but stop and think about it. This country elected General Eisenhower as President. If you really listen to what the Supreme Court said, we could elect General Electric to be President or General Motors to be President.

In this past year the same five Justices held that aggregate limits on campaign contributions are now somehow a violation of the First Amendment. In other words, if you are running in a local election somewhere where people would normally spend \$300 or \$400, but it is critical because that local board may decide what the tax policy of a big corporation might be in that community, they could say: OK, people running the board are going to spend \$300 or \$400 each. We will just put \$1 million in to elect a different board that will give us a \$10 million tax break.

The Court's radical reinterpretation of the First Amendment contradicts the principles of freedom, equality, and self-government upon which this Nation was founded. The consequence of the Court's opinions is that a small, tiny minority of very wealthy individuals and special interests are drowning out the voices of hard-working Americans and skewing our electoral process. What they are saying is: I have millions of dollars. I have a voice in elections. You? You are just an average hard-working man or woman, and you do not have any voice.

The expressed justification for time-honored campaign finance laws has been a genuine concern about the corrupting influence of money in politics. But despite this well-founded concern, Justice Kennedy's opinion in *Citizens United* nonsensically confined corruption to mean only quid pro quo corruption or bribery. In doing so, these five Justices discarded what our very